

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AMICUS MIAMI OF OHIO, LLC,

:

Plaintiff,

: Case No. 1:22-cv-355

v.

: Judge Jeffery P. Hopkins

HEATHER HOELZER KACACHOS, *et*
al.,

:

Defendants.

ORDER

This matter is before the Court on Defendants' Motion for Referral to Mediation (the "Motion"). Doc. 66. Plaintiff has filed its opposition to the Motion, thus rendering it ripe for adjudication.¹ Doc. 67. Plaintiffs argue that mediation may "derail the currently scheduled oral argument" on August 26, 2025, and that Defendants' "unilateral[] filing" of the Motion, "in direct contradiction of the Parties' discussions," is an attempt by Defendants "to stall time." *Id.* at PageID 1687.

Pursuant to S.D. Ohio Civ. R. 16.3, "[u]pon request by any party or in its discretion and at such times during the progress of the case as appear appropriate, the Court *may* assign any civil case ... for one or more mediation conferences." (emphasis added). This permissive language suggests that the Court has broad discretion to grant or deny a party's motion for referral to mediation. Here, the Court is "not inclined to order the parties to participate in mediation without both sides' consent." *Sivi v. Franklin Cnty. Guardianship Serv. Bd.*, No. 2:24-

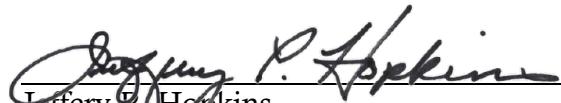
¹ Pursuant to S.D. Ohio Civ. R. 7.2(a)(2), Defendants are provided a right to reply to Plaintiff's opposition. Nevertheless, the Court notes that awaiting a reply would be unwarranted because it would likely not change Plaintiff's objection to mediation at this juncture.

CV-4191, 2025 WL 1747199, at *1 (S.D. Ohio June 25, 2025) (cleaned up). Indeed, granting Defendants' Motion without Plaintiff's consent "will simply waste the Court's and the parties' limited resources on an unfruitful mediation." *Sivi*, 2025 WL 1747199, at *2.

While this Court generally favors alternative dispute resolution in most instances, this case presents the rare exception, given the nature of the dispute and current posture of the litigation. As Plaintiff does not consent to mediation at this juncture, Defendants' Motion for Referral to Mediation is **DENIED**. Doc. 66. The oral argument set for August 26, 2025 at 10:00 A.M. shall proceed as scheduled.

IT IS SO ORDERED.

July 31, 2025



Jeffery P. Hopkins
United States District Judge